



Feb 12 2011
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE PAYMENT CARD INTERCHANGE FEE AND
MERCHANT DISCOUNT ANTITRUST LITIGATION

This Document Relates To:

Hy-Vee, Inc. v. Visa U.S.A. Inc., et al.,
Case No. 1:05-CV-03925

Supervalu Inc. v. Visa U.S.A. Inc., et al.,
Case No: 1:05-CV-4650

Publix Super Markets, Inc. v. Visa U.S.A. Inc., et
al., Case No: 1:05-CV-4677

Raley's v. Visa U.S.A. Inc., et al.,
Case No: 1:05-CV-4799

The Kroger Company, et al. v. MasterCard, et al.,
Case No: 1:06-CV-0039

The Kroger Company, et al. v. Visa U.S.A. Inc., et
al., Case No: 1:05-CV-05078

Rite Aid Corporation, et al. v. MasterCard
Incorporated, et al., Case No: 1:06-CV-0078

Rite Aid Corporation, et al. v. Visa U.S.A. Inc., et
al., Case No: 1:05-CV-05352

BI-LO, LLC, et al. v. MasterCard Incorporated, et
al., Case No: 1:06-CV-2534

BI-LO, LLC, et al. v. Visa U.S.A. Inc., et al.,
Case No: 1:06-CV-02532

QVC, Inc. v. Visa U.S.A. Inc., et al.,
Case No: 1:07-CV-0592

Wakefern Food Corp. v. Visa U.S.A. Inc., et al.,
Case No: 1:06-CV-5765

Meijer, Inc., et al v. Visa U.S.A. Inc., et al.;
Case No: 1:05-CV-4131

Master File No. 05-MD-1720 (JG)(JO)

**Individual Plaintiffs'
Notice of Motion for
Partial Summary Judgment**

(ORAL ARGUMENT REQUESTED)

PLEASE TAKE NOTICE that Individual Plaintiffs, pursuant to Rule 56, Fed.R.Civ.P., respectfully move for partial summary judgment with respect to Individual Plaintiffs' claims regarding Visa's and MasterCard's Anti-Steering Merchant Restraints. Based on the analysis set forth in their supporting Memorandum of Law, Individual Plaintiffs request that this Court enter an Order granting their Motion for Partial Summary Judgment that the agreements among Visa's competing financial institutions to enforce Visa's Anti-Steering Merchant Restraints, and the agreements among MasterCard's competing financial institutions to enforce MasterCard's Anti-Steering Merchant Restraints, are each *per se* violations of Section 1 of the Sherman Act, 15 U.S.C. § 1.

PLEASE TAKE FURTHER NOTICE that Individual Plaintiffs request oral argument on their Motion for Partial Summary Judgment on a date and at a time to be designated by the Court.

Dated: February 11, 2011

Respectfully submitted,

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